

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

|                           |   |                              |
|---------------------------|---|------------------------------|
| UNITED STATES OF AMERICA, | ) |                              |
|                           | ) |                              |
| Plaintiff,                | ) |                              |
|                           | ) |                              |
| V.                        | ) | CRIMINAL NO. SA-18-CR-233-XR |
|                           | ) |                              |
| RICARDO SERRANO,          | ) |                              |
|                           | ) |                              |
| Defendant.                | ) |                              |

UNITED STATES OF AMERICA'S  
**MOTION FOR ENTRY OF MONEY JUDGMENT**

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney and makes this Motion for Entry of Money Judgment, pursuant to Fed. R. Crim. P. 32.2(c)(1) and Title 21 U.S.C. § 853(p), and in support thereof says the following:

I.

On April 13, 2018, Defendant RICARDO SERRANO entered a written Plea Agreement (Doc. 3) as to Count One of the Information (Doc. 1) filed against him, charging him with the violation of Title 18 U.S.C. § 922(a)(1)(A). The Information (Doc. 1) contained a Notice of Demand for Forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, in which the United States gave notice of its intent to forfeit certain properties, including a Money Judgment, namely:

**Money Judgment: A sum of money equal to One Hundred Seven Thousand Two Hundred Fifty Dollars (\$107,250.00) which represents the value of any proceeds obtained as a result of the violations set forth in Count 1 for which the Defendant is liable,**

hereinafter referred to as the Subject Money Judgment.

Accordingly, the United States moves the Court for the entry of a money judgment, which

forfeits all right, title and interest of the Defendant in the Subject Money Judgment.

## **II.**

The United States advises the Court that pursuant to Fed. R. Crim. P. 32.2(c)(1), ancillary proceedings are not required for money judgments of forfeiture. *See* Fed. R. Crim. P. 32.2(c)(1), which provides in pertinent part:

. . . "no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment."

As such, the effect of Fed. R. Crim. P. 32.2(c)(1) on a money judgment is tantamount to a Final Judgment of Forfeiture in cases where a criminal forfeiture consists only of a money judgment.

## **III.**

Plaintiff, United States of America, moves the Court to find that the United States has proven by a preponderance of the evidence, by virtue of the Defendant's written Plea Agreement (Doc. 3) with factual basis contained therein, that the Subject Money Judgment represents the amount of proceeds realized by said Defendant, directly or indirectly, as a result of the violation of Title 18 U.S.C. § 922(a)(1)(A).

## **IV.**

Plaintiff, United States of America, further moves the Court to find that the Subject Money Judgment is a criminal monetary penalty under Condition(s) 20, 21, and 22 of the United States Western District of Texas Conditions of Probation and Supervised Release.

Plaintiff, United States of America, further moves that should the Court assess a term of probation or supervised release, that Defendant RICARDO SERRANO shall pay said money

judgment in accordance with a schedule of payments established by the United States Probation Office to commence after all other criminal debt has been satisfied pursuant to Title 18 U.S.C. §§ 3612(c), 3663(c)(5), and 3664(j).

Plaintiff, United States of America, further moves the Court to order that Defendant RICARDO SERRANO make payments by money order or certified check made payable to the United States Marshals Service, and to include the instant Criminal No. SA-18-CR-233-XR on all said money orders or certified checks, and send said payments to:

**United States Attorney's Office  
Attn: Asset Forfeiture Division  
601 N.W. Loop 410, Suite 600  
San Antonio, Texas 78216**

**V.**

Plaintiff, United States of America, further moves the Court to order that, pursuant to Fed. R. Crim. P. 32.2(e); Title 21 U.S.C. § 853(p); and the Defendant's Plea Agreement with factual basis contained therein, finding that the Defendant is guilty of the violation of Title 18 U.S.C. § 922(a)(1)(A), the United States shall, at its option, be entitled to the forfeiture of any other property (substitute assets) owned by said Defendant equivalent to the value of the Subject Money Judgment.

**VI.**

Plaintiff, United States of America, further moves the Court to order that, pursuant to Fed. R. Crim. P. 32.2(b)(2), at the time of sentencing of Defendant RICARDO SERRANO, the Subject Money Judgment be included in his Judgment in a Criminal Case.

WHEREFORE, PREMISES CONSIDERED, the United States of America respectfully moves this Honorable Court to grant this within Motion for Entry of Money Judgment.

Respectfully submitted,

JOHN F. BASH  
United States Attorney

By: /s/ \_\_\_\_\_  
Mary Nelda G. Valadez  
Assistant United States Attorney  
Asset Forfeiture Section  
601 N.W. Loop 410, Suite 600  
San Antonio, Texas 78216  
Tel: (210) 384-7040  
Fax: (210) 384-7045  
Texas Bar No. 20421844

**CERTIFICATE OF SERVICE**

I hereby certify that on June 12, 2018, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant:

Jesse Guadalupe Rivera  
Law Offices of Jesse G. Rivera  
2611 San Pedro  
San Antonio, TX 78212  
Email: [l.rivera@att.net](mailto:l.rivera@att.net)

Attorney for Defendant RICARDO SERRANO

/s/ \_\_\_\_\_  
Mary Nelda G. Valadez  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

|                           |   |                              |
|---------------------------|---|------------------------------|
| UNITED STATES OF AMERICA, | ) |                              |
|                           | ) |                              |
| Plaintiff,                | ) |                              |
|                           | ) |                              |
| V.                        | ) | CRIMINAL NO. SA-18-CR-233-XR |
|                           | ) |                              |
| RICARDO SERRANO,          | ) |                              |
|                           | ) |                              |
| Defendant.                | ) |                              |

**ORDER OF MONEY JUDGMENT**

Came on to be considered, United States of America's Motion for Entry of Money Judgment pursuant to the provisions of Title 21 U.S.C. § 853(p) and Fed. R. Crim. P. 32.2(c)(1), and this Court being fully and wholly apprised in all its premises, finds that the United States has proven by a preponderance of the evidence that the below described money judgment represents the amount of proceeds realized by Defendant RICARDO SERRANO, directly or indirectly, as a result of the violation of Title 18 U.S.C. § 922(a)(1)(A). This Court further finds that said money judgment is a criminal monetary penalty under Condition(s) 20, 21, and 22 of the United States Western District of Texas Conditions of Probation and Supervised Release. As such, said motion is meritorious and should be, and hereby is, in all things GRANTED. IT IS THEREFORE

ORDERED that all right, title and interest of Defendant RICARDO SERRANO in a money judgment, namely:

**Money Judgment: A sum of money equal to One Hundred Seven Thousand Two Hundred Fifty Dollars (\$107,250.00) which represents the value of any proceeds obtained as a result of the violations set forth in Count 1 for which the Defendant is liable,**

hereinafter referred to as the Subject Money Judgment be, and hereby is, FORFEITED to the United States of America; and IT IS FURTHER

ORDERED that should the Court assess a term of probation or supervised release against Defendant RICARDO SERRANO, said Defendant shall pay the Subject Money Judgment in accordance with a schedule of payments established by the United States Probation Office, to commence after all other criminal debt has been satisfied pursuant to Title 18 U.S.C. §§ 3612(c), 3663(c)(5), and 3664(j); and IT IS FURTHER

ORDERED that Defendant RICARDO SERRANO shall make payments by money order or certified check made payable to the United States Marshals Service, and shall include the instant Criminal No. SA-18-CR-233-XR on all said money orders or certified checks, and shall send said payments to:

**United States Attorney's Office  
Attn: Asset Forfeiture Division  
601 N.W. Loop 410, Suite 600  
San Antonio, Texas 78216**

and IT IS FURTHER

ORDERED that the United States shall, at its option, be entitled to the forfeiture of any other property (substitute assets) owned by Defendant RICARDO SERRANO equivalent to the value of the Subject Money Judgment, and IT IS FURTHER

ORDERED that at the time of sentencing of Defendant RICARDO SERRANO, the Subject Money Judgment shall be included in his Judgment in a Criminal Case.

IT IS SO ORDERED.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2018.

---

XAVIER RODRIGUEZ  
United States District Judge